

Docket Item # 3  
BAR CASE # 2011-0190

BAR Meeting  
September 14, 2011

**ISSUES:** Permit to Demolish fence and awning

**APPLICANT:** Bradley King

**LOCATION:** 431 Earl Street

**ZONE:** RB / Residential Townhouse Zone

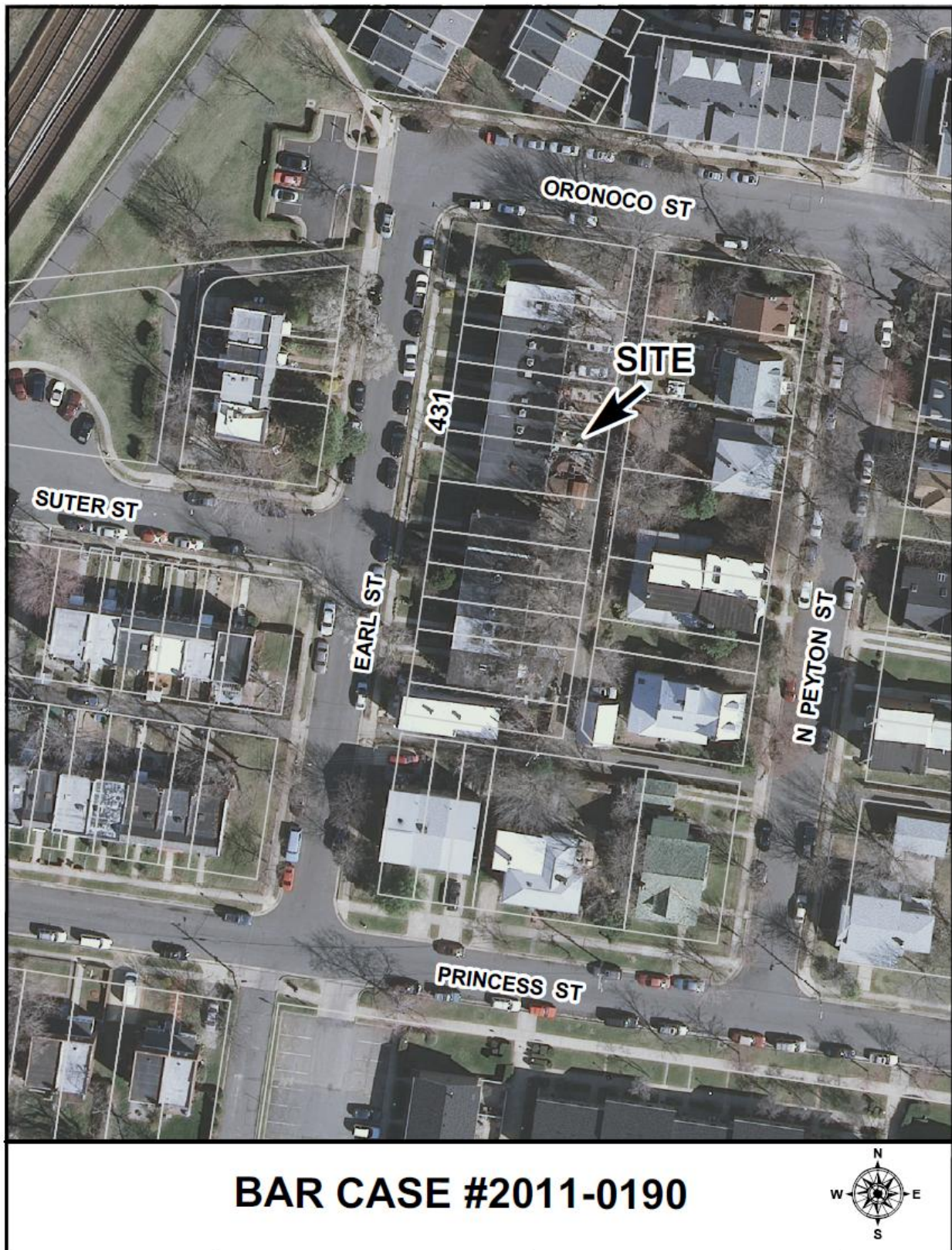
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**STAFF RECOMMENDATION:**

Staff recommends approval of the Permit to Demolish, as submitted.

**\*\*EXPIRATION OF APPROVALS NOTE:** In accordance with Sections 10-106(B) and 10-206(B) of the Zoning Ordinance, any official Board of Architectural Review approval will expire 12 months from the date of final approval if the work is not commenced and diligently and substantially pursued by the end of that 12-month period.

**\*\*BUILDING PERMIT NOTE:** Most projects approved by the Board of Architectural Review require the issuance of one or more construction permits by Building and Fire Code Administration (including siding or roofing over 100 square feet, windows and signs). The applicant is responsible for obtaining all necessary construction permits after receiving Board of Architectural Review approval. Contact Code Administration, Room 4200, City Hall, 703-746-4200 for further information.



BAR CASE #2011-0190

**Note:** This item requires a roll call vote.

**I. ISSUE:**

The applicant is requesting approval of a Permit to Demolish for the following:

- After-the-fact approval to demolish a chain-link fence in the front yard, near the west side property line.
- Approval of removal of first-story aluminum awning over the window (will retain existing awning over front door).

**II. HISTORY:**

The two-story, two-bay modern movement style rowhouses attached to 431 Earl Street were constructed in **1955**. The subject unit is constructed with red brick, laid in American bond, with a side entry door. The Uptown/Parker-Gray National Register nomination identifies this building as a contributing resource to the National Register district.

Staff located no previous approvals for this property.

**III. ANALYSIS:**

The proposed removal of the chain-link fence and awning are in compliance with Zoning Ordinance requirements. The removal of the chain-link fence was brought to Staff's attention after the owner had inquired about the process for removing the chain-link fence and making other alterations to the property. However, once Staff contacted the owner about the violation, the owner promptly filed the application currently before the Board and did not proceed with removal of the awning.

**Permit to Demolish**

Section 10-203(B) of the Zoning Ordinance notes that the removal of more than twenty-five square feet total of exterior wall, roof or surface requires approval of a Permit to Demolish. If the applicant were repairing the fence, or replacing the fence in kind, he would not need a Permit to Demolish.

In considering a Permit to Demolish, the Board must consider the following criteria set forth in the Zoning Ordinance, §10-205(B):

- (1) Is the building or structure of such architectural or historical interest that its moving, removing, capsulating or razing would be to the detriment of the public interest?
- (2) Is the building or structure of such interest that it could be made into a historic house?
- (3) Is the building or structure of such old and unusual or uncommon design, texture and material that it could not be reproduced or be reproduced only with great difficulty?
- (4) Would retention of the building or structure help preserve the memorial character of the George Washington Memorial Parkway?
- (5) Would retention of the building or structure help preserve and protect an historic place or area of historic interest in the city?
- (6) Would retention of the building or structure promote the general welfare by maintaining and increasing real estate values, generating business, creating new positions, attracting tourists, students, writers, historians, artists and artisans, attracting new residents, encouraging study and interest in American history, stimulating interest and study in architecture and design, educating

citizens in American culture and heritage, and making the city a more attractive and desirable place in which to live?

In the opinion of Staff, demolition of the chain-link fence along the west portion of the property meets Criteria 1, 5, and 6 of §10-105(B) of the Zoning Ordinance. Based on the Board's response of the survey requested by the Board on mid-20<sup>th</sup> century vernacular rowhouses located in the district, Staff believes the removal of the fence results in the loss of a character-defining feature from both the individual rowhouse as well as the larger streetscape of this block. Although this block of Earl Street does not have a continuous chain-link fence streetscape, as two out of the six (not including that removed here) do not have a chain-link fence along the front of the property, the majority of rowhouses do have this feature and Staff previously identified it as one of the cohesive block faces in an earlier presentation.

While chain-link fences are often considered a ubiquitous and common fence type, this material has played an important role in the development of mid-century vernacular housing and the associated cultural landscape. Wire fencing originated in Europe in the mid-1800s as an innovative and affordable fence solution and became popular in America in the early 1900s. Its popularity in America grew significantly and by the 1950s and 1960s it was regularly used for mid-century vernacular rowhouses such as those found in the Parker-Gray district. While it has been brought to Staff's attention that a variety of fence types have historically been used in this neighborhood, Staff feels that these chain-link fences ultimately represent a character-defining feature of these minimally-designed vernacular buildings as they define the landscape and open space of these townhouse rows and represent the development of this housing type over the course of time.

It is important to note that Staff and the Boards generally support improvements to property when it does not change the style or remove character defining features. However, the preservation movement has begun to recognize the importance of the preservation of the "recent past," a focus on mid-twentieth century and post-World War II buildings, recognizing that these are important to American architectural and cultural history. The focus here is not just on the fencing material, but its effect on the overall architectural, urban and social context of the entire row of homes. The preservation of the recent past is a challenging preservation debate, but Staff feels it is important to preserve the portions of the district that still contain cohesive block faces of early or original chain-link fences so that they can continue to "promote the general welfare by...encouraging study and interest in American history, stimulating interest and study in architecture and design, educating citizens in American culture and heritage" for historians, architects, preservationists, community members, and visitors.

After-the-fact requests for demolition are always challenging as the original material is often permanently lost. If the chain-link fence were still in place, Staff would not support its removal as it would be removal of an original, character-defining feature as well as result in a patchwork block face with some properties having fences and some not. However, now that the fence has been removed, it can longer be reinstalled in its original location without approval of an encroachment. By City policy, once removed, any new fence is required to be on or within the property line. At this property, and throughout Parker-Gray, many fences were historically installed adjacent to the sidewalk but well into the public right-of-way. If the applicant wishes to

reinstall the fence at the original location, the applicant will need to request an encroachment, and defer the BAR decision until that is granted.

Should the BAR not approve demolition of the fence, the property owner is subject to a \$1500 penalty for a class one civil violation in accordance with Section 11-207(B)(4) and 11-207(C)(1) which classifies the unauthorized demolition of any building or structure as a class one civil violation.

Although BAR Staff considered the 400 block of Earl Street to be one of the more cohesive block faces in the district, it certainly was not the most cohesive or best example. Buchanan Street and Princess Street both are good representations of cohesive block faces. The removal of this chain-link fence has certainly left a patchwork appearance as two other townhouses do not have a fence along the front sidewalk. Staff and the Board are currently working to develop a formal policy with guidelines regarding alterations to this building type but that has not yet been shown to the community or adopted by the Board. Therefore, while Staff regrets the loss of this character-defining feature, Staff reluctantly recommends approval of its demolition and notes the importance of working toward a clear policy regarding alterations to mid-century vernacular brick townhouses as soon as possible.

Regarding the existing aluminum awnings, as noted in an earlier presentation made to the BAR about features of this building type, many of these awnings detract from the cohesive nature of a series of multiple townhouses with a continuous design and also obscure architectural details or fenestration. In this particular case, the awning is not an appropriate proportion and is visually disruptive to this row of townhouses. Therefore, Staff has no objection to the removal of the awning over the first story window and would also support removal of the awning over the front door, if the owner chooses.

**STAFF:**

Catherine Miliaras, Historic Preservation Planner, Planning & Zoning  
Al Cox, FAIA, Historic Preservation Manager, Planning & Zoning

**IV. CITY DEPARTMENT COMMENTS:**

Legend: C – Code Requirement R – Recommendation S – Suggestion F- Finding

**Code Administration:**

F-1 The subject property is zoned RB.

C-2 The removal of the chain link fence and awning comply with zoning.

**Transportation & Environmental Services:**

**RECOMMENDATIONS**

- R1. Applicant shall obtain permits from T&ES for work performed from the right-of-way and shall be responsible for repairs to the city right-of-way if damaged during construction activity. The current location of the fence is within the city right-of-way. (T&ES)
- R2. No permanent structure may be constructed over any existing private and/or public utility easements. It is the responsibility of the applicant to identify any and all existing easements on all plans submitted for approvals. (T&ES)

**FINDINGS:**

- F1. An approved grading plan is not required for the proposed improvement at this time. (T&ES)
- F2. If, in the future, a new fence is to be installed at or near the same location; An Encroachment will be required for the front fence installation as it is within the public right-of- way. (Sec. 5-2-29) (T&ES)

**CODE REQUIREMENTS**

- C-1 Any work within the right-of-way requires a separate permit from T&ES. (Sec. 5-2) (T&ES)
- C-2 The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99). (T&ES)
- C-3 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line. (T&ES)



**V. IMAGES:**



**Figure 1. Front (west) elevation of 431 Earl prior to removal of chain-link fence.**





Figure 2. Front (west) elevation of 431 Earl after removal of fence.





Figure 3. View of east side of 400 block of Earl Street.